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9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
11 AT TACOMA

12 DENNIS FLOKER,

13 Plaintiff,

14 v.

15 CHERYL JOHNSON, *et al.*,

16 Defendants.

17 Case No. C06-5561 RJB/KLS

18 ORDER DENYING PLAINTIFF'S
19 CONSTITUTIONAL MOTION

20 Before the Court is Plaintiff's "Constitutional Motion." (Dkt. # 83). Having reviewed the motion,
21 Defendants' response (Dkt. # 98), and the balance of the record, the Court finds that the motion should be
22 denied.

23 Plaintiff alleges that a Ms. Grenwitch, the law librarian at Clallam Bay Corrections Center, has
24 retaliated against him by retaining certain legal documents and refusing to provide research materials
25 requested by him on September 13, 2007. (Dkt. # 83, pp. 3-4). Defendants respond that Plaintiff has not
26 raised any issues appropriate for review by this Court because the issues concern copying of discovery
27 documents in Plaintiff's criminal case in Clallam County Superior Court. (Dkt. # 98, p. 1).

28 In his First Amended Complaint, Plaintiff alleges violations of his First, Eighth, and
Fourteenth Amendment rights and the Religious Land Use and Institutionalized Persons Act
(RLUIPA). (Dkt. # 62). Plaintiff also claims violations of RCW 7.72 (Product Liability Actions), 21

1 C.F.R. § 101.9 (Nutritional Labeling of Food) and 9 C.F.R. § 317 (Labeling, Marking Devices and
2 Containers). Plaintiff claims, *inter alia*, that the DOC Kosher Guidelines do not meet the religious
3 requirements of the Jewish community, that they are nutritionally inadequate, that Defendants serve
4 non-Kosher food, fail to provide fasting and Passover foods, use trans fat margarine and shortening
5 in the manufacture of bakery items, and serve insufficient amounts of milk, all of which place a
6 substantial burden on Plaintiff's ability to exercise his religion and/or subject him to cruel and
7 unusual punishment. (*Id.*)

8 Ms. Grenwitch is not, nor has she ever been, a defendant in this case. More importantly, her
9 alleged retaliatory actions arise out of conduct related to Plaintiff's criminal case in Clallam County
10 Superior Court, not out of this action.

11 Accordingly, Plaintiff's constitutional motion (Dkt. # 83) is **DENIED**.

13 DATED this 4th day of December, 2007.

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17 Karen L. Strombom
18 United States Magistrate Judge